

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEFFREY ALMANZAR,

Plaintiff,

-against-

ORDER

23-CV-4234 (JMA) (ST)

ARMIN BARATIAN, President, on behalf of
Pristine Mitsubishi; *et al.*,

Defendants.

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JOAN M. AZRACK, District Judge:

Before the Court is the in forma pauperis (“IFP”) application filed by Plaintiff pro se Jeffrey Almanzar (“Plaintiff”) in relation to his complaint filed in the United States District Court for the Southern District of New York and ultimately transferred to this Court on June 8, 2023. (See ECF Nos. 1, 3, 8-9.)¹ For the following reasons, Plaintiff’s IFP application is denied without prejudice and with leave to renew upon completion of the AO 239 Long Form IFP application (“Long Form”) attached to this Order. Alternatively, Plaintiff may remit the \$402.00 filing fee.

Plaintiff’s responses do not demonstrate indigency. (See generally ECF No. 3.) Indeed, Plaintiff has not provided any information concerning his finances, making it impossible for the Court to conclude that he is qualified to proceed IFP. (Id.) Plaintiff reports that he is not employed and has not received any income from any source in the past twelve months. (Id. ¶¶ 2-3.) Plaintiff also reports presently having no funds either in cash or in a checking or savings account and wrote “N/A” in response to every other question on the form. Curiously, although Plaintiff includes a residential address and telephone number, he reports no expenses associated therewith. (Id. ¶ 6.) Nor does he include any expenses for necessities such as food, utilities,

¹ By Transfer Order dated March 9, 2023, the case was transferred from the Southern District to the Northern District, and, by Transfer Order dated June 7, 2023, it was transferred to this Court. (See ECF Nos. 6, 8.)

transportation, insurance, etc. (Id.) Further, Plaintiff does not report having any debts or financial obligations. (Id. ¶ 8.) Curiously, this action arises out of Plaintiff's purchase of a used Mercedes-Benz S-class from Pristine Mitsubishi with monthly payments in the sum of \$800/month for 72 months beginning on December 2, 2021. (See Compl. Ex. A, ECF No. 1-1.)²

Given that Plaintiff's incomplete responses raise more questions than they answer, his IFP application is denied without prejudice and with leave to renew upon completion of the Long Form application. The Long Form application is enclosed with this Order and shall be completed and filed within twenty-one (21) days from the date of this Order. Alternatively, Plaintiff may remit the \$402.00 filing fee. Plaintiff is warned that his failure to timely comply with this Order may lead to the dismissal of the complaint without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff is also cautioned that, once paid, there are no refunds of the filing fee and Plaintiff would be well-advised to consider the substance of his claims and the jurisdiction of this Court.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore IFP status is denied for the purpose of any appeal. See Coppededge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk of Court shall mail a copy of this Order to the Plaintiff at his address of record.

SO ORDERED.

Dated: July 14, 2023
Central Islip, New York

/s/ (JMA)
Hon. Joan M. Azrack
United States District Judge

² Notably, Plaintiff's complaint is incomplete in that it appears his allegations are cut off in paragraphs III and IV. (See ECF No. 1, ¶¶ III-IV.) Plaintiff shall file a complete copy of the complaint with his IFP application or with his payment of the filing fee.